

UNITED STATES DISTRICT COURT
THE DISTRICT OF MASSACHUSETTS

PAULA O'DONNELL

Plaintiff

v.

Civil Action No. 05-11257-NG

DONNA BOGGS, MARION DOUCETTE,
BRENDAN HALL, WILLIAM FRANCIS,
MARY LOU MEGAN and THE BOSTON
GLOBE EMPLOYEES CREDIT UNION

Defendants

DEFENDANTS' MOTION TO QUASH DEPOSITIONS

The Defendants move to quash the Notices of Deposition of Linda Doucette (the daughter of defendant Marion Doucette), the Keeper of Record Deposition of Anderson & French, P.C. and the 30(b)(6) Deposition of the Office and Professional Employees International Union, Local 6, AFL-CIO ("Local 6"). Each of these notices are for depositions of non-party witnesses who were not identified by Plaintiff's counsel as witnesses to be deposed at the recent scheduling conference.

A Rule 16 scheduling conference in this matter was held on June 26, 2006 before Magistrate Judge Bowler. When asked what witnesses he intended to depose, counsel for the Plaintiff identified the defendants – and only the defendants. Now Plaintiff proposes to depose Linda Doucette, Anderson & French, P.C. and Local 6, none of whom were identified as potential witnesses at the scheduling conference.

The purpose of the Rule 16 scheduling conference is to establish early control of a case to reduce waste and expense. As such, the topics for discussion include the control and scheduling

of discovery, and the identification of witnesses and documents. *See* Fed.R.Civ.P. 16(c)(6)-(7).

A party's attorney must be fully prepared to discuss the issues and participate in good faith at the risk of sanctions, including those sanctions described in Rule 37(b)(2)(B), (C), (D).

When presented with the opportunity to identify the witnesses to be deposed, counsel for the Plaintiff only identified the defendants in this action. Now Plaintiff has issued notices for the depositions of three non-party witnesses. Plaintiff has plainly failed to meet her obligations under Rule 16, and these deposition notices should be quashed.

WHEREFORE, Defendants respectfully request that the Court QUASH Plaintiff's notices of deposition for Linda Doucette, Anderson & French, P.C. and the Office and Professional Employees International Union, Local 6, AFL-CIO ("Local 6").

DONNA BOGGS, MARIAN DOUCETTE,
BRENDAN HALL, WILLIAM FRANCIS,
MARY LOU MEGAN and THE BOSTON
GLOBE EMPLOYEES CREDIT UNION,

By their attorneys,

/s/ Harvey Weiner

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August 30, 2006

Certificate Pursuant To Local Rule 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), I hereby certify that, as attorney for the Defendants, I have attempted to confer with the Plaintiff's counsel, Scott Adams, Esq., and attempted in good faith to resolve or narrow the issues which are the subject of the Defendants' Motion to Quash.

NOTICE OF ECF FILING

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 30, 2006.

/s/ Harvey Weiner

Harvey Weiner

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